

REMARKS

This application has been carefully reviewed in light of the Office Action dated April 7, 2004. Claims 1, 4, 6, 7, 9, 15, 19 and 20 are in the application, of which Claim 1 is still the only independent claim. Reconsideration and further examination are respectfully requested.

The amendments set out above are made for consistency with the Office Action's entry of art-based rejections. In particular, no art-based rejection was entered against Claim 5. In keeping with this, the subject matter of Claim 5 has been incorporated into Claim 1, which has further been amended for purposes of simplification. It is therefore believed that all of Claims 1, 4, 6, 7, 9, 15, 19 and 20 avoid the art of record.

Claim 5 (and other claims), were rejected for obviousness-type double patenting over Claims 1 to 8 of U.S. Patent 6,677,972 (the "parent '972 Kimura patent") in view of U.S. Patent 5,838,480 (McIntyre). The rejection of Claim 5 for obviousness-type double patenting is respectfully traversed. In particular, there is nothing in any of the claims of the parent '972 Kimura patent, or anything in the disclosure of McIntyre, that discusses the positioning of a front focus position of a diffraction optical element relative to the on-axis and off-axis power arrangements of a refractive optical element. Such an arrangement is discussed in detail beginning at line 9 of page 25 of the subject application, in connection with Figure 2. Since nothing in the issued claims of the parent '972 Kimura patent, or in the disclosure of McIntyre, even hint at such an arrangement, it is respectfully requested to withdraw the obviousness-type double patenting rejection.

No other matters being raised, it is respectfully submitted that the entire application is fully in condition for allowance, and such action is courteously solicited.

Applicant's undersigned attorney may be reached in our Costa Mesa, California office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael K. O'Neill", written over a horizontal line.

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